

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:16-cr-62-2
v.)	
)	Judge Mattice/Steger
DARIUS RAINEY)	

REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b), the undersigned United States Magistrate Judge conducted a plea hearing in this case on August 10, 2016. At the hearing, Defendant entered a plea of guilty to Count One of the Indictment in exchange for the undertakings made by the Government in the written Amended Plea Agreement and Plea Agreement Supplement (hereinafter “Plea Agreement”) [Docs. 154 and 144]. On the basis of the record made at the hearing, the Court finds that Defendant is fully capable and competent to enter an informed plea; the plea is made knowingly and with full understanding of each of the rights waived by Defendant; it is made voluntarily and free from any force, threats, or promises, apart from the promises in the Plea Agreement; Defendant understands the nature of the charges and penalties provided by law; and the plea has a sufficient basis in fact.

I therefore recommend that Defendant’s plea of guilty to Count One of the Indictment be accepted; the Court adjudicate Defendant guilty of the charges set forth in Count One of the Indictment; and the written Plea Agreement be accepted at the time of sentencing. I further recommend that Defendant remain in custody until sentencing in this matter. Acceptance of the plea, adjudication of guilt, acceptance of the Plea Agreement, and imposition of sentence are specifically reserved for the District Court Judge.

The Defendant's sentencing hearing is scheduled on **November 14, 2016, at 2:00 p.m.**

ENTER:

s/Christopher H. Steger
UNITED STATES MAGISTRATE JUDGE

NOTICE TO PARTIES

You have the right to *de novo* review by the district judge of the foregoing findings. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than fourteen (14) days after the plea hearing. Failure to file objections within fourteen days constitutes a waiver of any further right to challenge the plea of guilty in this matter. *See* 28 U.S.C. § 636(b).